

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AARON J. BRESSI,

Plaintiff,

v.

JEFFERY BRENNEN, et al.,

Defendants.

No. 4:17-CV-01742

(Judge Brann)

(Magistrate Judge Saporito)

ORDER

JULY 26, 2018

1. Plaintiff instituted the above-captioned action against Defendants on September 26, 2017.
2. Defendants moved to dismiss Plaintiff's complaint on December 18, 2017.
3. Plaintiff filed motions for summary judgment on February 12, 2018; May 7, 2018; and June 11, 2018.
4. On July 6, 2018, Magistrate Judge Joseph F. Saporito, Jr., issued a Report and Recommendation in which he recommended that this Court dismiss Plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).
5. Plaintiff objected to this Report and Recommendation on July 18, 2018.

6. As a result of Plaintiff's objections, this Court has reviewed the Report and Recommendation *de novo*.¹
7. Because Plaintiff's objections are meritless, with arguments that have adequately and accurately been addressed by Magistrate Judge Saporito, this Court **ADOPTS** the Report and Recommendation, ECF No. 41, **IN ITS ENTIRETY**.
8. Therefore, **IT IS HEREBY ORDERED** that:
 - a. Defendants' Motion to Dismiss, ECF No. 20, is **GRANTED**.
 - b. Plaintiff's Complaint, ECF No. 1, is **DISMISSED** under Rule 12(b)(6) for failing to state a claim, as follows:
 - i. Plaintiff's excessive force claim relating to his detention at the Coal Township police station is **DISMISSED WITHOUT PREJUDICE**; and
 - ii. All other claims are **DISMISSED WITH PREJUDICE**.
 - c. Plaintiff's motions for summary judgment, ECF Nos. 27, 37, and 38, are **DENIED AS MOOT**.
9. Plaintiff is granted leave to amend *only* the excessive force claim that has dismissed without prejudice. If an amended complaint is not filed within 30 days of the date of this Order, however, those claims will be dismissed with prejudice, and the Clerk of Court will be directed to close this case.

¹ 28 U.S.C. § 636(b)(1).

10. This matter is remanded to Magistrate Judge Saporito for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge